

Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 SY-05 USSS-00 MCT-01 /064 W
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FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC 5835
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1286

E.O. 11652: GDS
TAGS: PFOR, CY, US, SY
SUBJECT: DAVIES TRIAL

REF: NICOSIA 1262

1. SUMMARY: THIS MESSAGE REPORTS DAVIES TRIAL PROCEEDINGS OF MAY 10 AND 11. CHARGES AGAINST XENOFON XENOFONTOS DROPPED FOR LACK OF EVIDENCE. CYPOL INSPECTOR IERIDES SURPRISED PROSECUTION WITH REPORT OF HEARING FIRING FROM EMBASSY. ELEMENTS OF LOCAL PRESS QUICKLY ASSUMED THIS REPORTED FIRING FROM EMBASSY MAY HAVE PRECIPITATED GENERAL OUTBURST OF RETALIATORY FIRE. PROSECUTION HAS ADVISED PHERSON THEY BELIEVE IERIDES IS LYING. MAJOR TSANGARIS OFFERED POSITIVE INFORMATION THAT KTIMATIAS FIRED AT EMBASSY. TSANGARIS AMBIGUOUS IN CROSS EXAMINATION NEXT DAY. (KTIMATIAS AND LEFTIS WERE ALLOWED TO APPROACH AND TALK TO TSANGARIS DURING COURT RECESS JUST PRIOR TO HIS CROSS-EXAMINATION. PHERSON HAS PROTESTED THIS PROCEDURE TO ASST. CHIEF CYPOL.) CHIEF INSPECTOR HAVIARAS OFFERED POSITIVE INFORMATION THAT "SHOTS FROM EMBASSY WERE TEAR GAS CANNISTERS." HAVIARAS DESCRIBED KTIMATIAS' ENTERING STAIR-CASE OF BUILDING UNDER CONSTRUCTION JUST PRIOR TO HEAVY
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FIR FROM THERE DIRECTED AT EMBASSY. END SUMMARY

2. ON MAY 9 THE ASSIZES COURT ANNOUNCED THAT THE ATTORNEY GENERAL HAD DROPPED ALL CHARGES AGAINST NATIONAL GUARD SECOND LIEUTENANT XENOFON XENOFONTOS BECAUSE OF LACK OF EVIDENCE. ON MAY 12 CYPOL ASST. COMMANDER FANIS DEMETRIOU ADVISED JOHN PHERSON THAT XENOFONTOS WOULD PROBABLY APPEAR

AS A PROSECUTION WITNESS.

3. PROCEEDINGS OF MAY 10 - GEORGE JACOVOU, GENERAL SECRETARY PASYDY, TESTIFIED REGARDING THE PLANNED PEACEFUL DEMONSTRATION OF PASYDY ON AUGUST 19, 1974, AND DESCRIBED HOW MILITANTS TOOK OVER THE DEMONSTRATION BEFORE PASYDY ARRIVED AT THE EMBASSY. HE CLAIMED THAT AS A RESULT PASYDY WITHDREW AT ONCE, WITHOUT PRESENTING THE PETITION PROTESTING AMERICAN INACTION REGARDING THE TURKISH INVASION OF CYPRUS ON JULY 20, 1974.

4. CYPOL INSPECTOR ANDREAS IERIDES TESTIFIED AS FOLLOWS:

A. AT AROUND 12 NOON A MOB OF ALMOST 1,000 PERSONS BROKE THROUGH THE CYPOL BARRICADES PROTECTING THE EMBASSY AREA, BURNED EIGHT OFFICIAL VEHICLES, THEN LOWERED AND BURNED THE AMERICAN FLAG.

B. HE HEARD TWO BURSTS OF SHOTS FROM WITHIN THE EMBASSY. HE ALSO SAW THREE OR FOUR TEAR GAS CANNISTERS FALLING IN THE STREET AROUND THE DEMONSTRATORS. THE SHOTS, PLUS THE TEAR GAS, DISPERSED THE MOB.

C. HE SAW MEN IN PRONE POSITION FIRING AT THE EMBASSY, WHILE THE MOB APPLAUDED THEIR ACTIONS. HE RESTRAINED TWO OF THE UNIFORMED MEN WHO WERE FIRING AT THE EMBASSY AND LED THEM FROM THE AREA.

D. AFTER RETURNING TO THE EMBASSY AREA HE SAW KTIMATIAS IN A FIRING POSITION, HOLDING AN AUTOMATIC WEAPON WITH HIS FINGER ON THE TRIGGER. HE RESTRAINED KTIMATIAS. HE DID NOT SEE KTIMATIAS EVER FIRE HIS WEAPON. (COMMENT: THE COURT ACCEPTED THE DEFENSE' CONTENTION THAT KTIMATIAS
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"FIRING POSITION" COULD ALSO HAVE BEEN FOR DEFENSIVE PURPOSES.)

E. SEVERAL DAYS AFTER THE AUGUST 19 RIOTS IERIDES VIEWED TWO TELEVISION FILM ACCOUNTS OF THE DAVIES MURDER AT THE AMERICAN EMBASSY. HE SAW ONE OF THE FILMS AGAIN AT POLICE HEADQUARTERS IN THE SUMMER OF 1976.

F. HE DID NOT SEE EITHER LEFIS OR SAVVA IN THE EMBASSY AREA ON AUGUST 19.

5. NATIONAL GUARD MAJOR CHR. TSANGARIS TESTIFIED HE HAD BEEN ORDERED TO THE EMBASSY AREA TO RESTORE ORDER. HE SAW ARMED DEMONSTRATORS, CARS BEING BURNED, MUCH ROCK-THROWING, AND HE HEARD CONSIDERABLE FIRING FROM VARIOUS TYPES OF FIREARMS. HE SAW KTIMATIAS FIRING AN AUTOMATIC WEAPON, PROBABLY A KALASHNIKOV, TOWARDS THE EMBASSY. HE SAW KTIMATIAS CHANGING THE MAGAZINE OF HIS WEAPON. HE SAW IERIDES RESTRAIN KTIMATIAS AND LEAD HIM AWAY. HE SAID KTIMATIAS HAD BEEN FIRING AT THE AMBASSADOR'S OFFICE WINDOW. HE KNEW THE LOCATION OF THE AMBASSADOR'S WINDOW BECAUSE HE HAD JUST COMPLETED A ONE-MONTH TOUR OF DUTY

PROTECTING THE EMBASSY. END MAY 10 PROCEEDINGS.

6. PROCEEDINGS OF MAY 11 - MAJOR TSANGARIS WAS CROSS-EXAMINED AND GAVE THE FOLLOWING TESTIMONY:

A. HE HAD SEEN A NUMBER OF DEMONSTRATORS WITH FIREARMS. HE NOTICED THE SHUTTERS ON THE AMBASSADOR'S OFFICE WINDOWS HAD BEEN CLOSED. HE HEARD MANY BURSTS OF FIRE FROM THE BUILDING UNDER CONSTRUCTION.

B. WHEN HE SAW IERIDES APPROACH KTIMATIAS HE WAS NOT CERTAIN WHETHER KTIMATIAS HAD BEEN FIRING AT THAT PARTICULAR TIME. LATER, HOWEVER, HE FOUND KALASHNIKOV CARTRIDGE CASINGS ON THE GROUND WHERE KTIMATIAS HAD BEEN STANDING.

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C. ALTHOUGH HE SAW KTIMATIAS CHANGING MAGAZINES ON HIS AUTOMATIC WEAPON HE DID NOT KNOW THE REASON, STATING "MAYBE THERE WAS A COMPLICATION."

D. HE SAID HE HAD KNOWN LEFTIS VERY WELL FOR A NUMBER OF YEARS AND LEFTIS WAS SERVING IN THE THIRD REGULAR DIVISION OF THE NATIONAL GUARD AT THE TIME. HE SAW LEFTIS AT THE NG CAMP ON THE MORNING OF AUGUST 19. HE DID NOT SEE LEFTIS DURING THE RIOTING BUT SAW HIM OUTSIDE THE EMBASSY MAIN GATE AT ABOUT 1330 HOURS. HE SAID HE HAD ALSO KNOWN KTIMATIAS FOR MANY YEARS. HE SAID HE KNEW SAVVA VERY WELL BUT HAD NOT SEEN HIM DURING THE RIOTING. HE HAD NO KNOWLEDGE WHETHER KTIMATIAS, LEFTIS AND SAVVA KNEW EACH OTHER AT THE TIME OF THE RIOTS.

7. COMMENT: THE FSL ATTENDING THE TRIAL, K. KONTEATIS,

ADVISED PHERSON AFTER THE TRIAL PROCEEDINGS ON MAY 11 THAT HE HAD SEEN KTIMATIAS APPROACH MAJOR TSANGARIS DURING A COURT RECESS THAT DAY AND SPEAK TO HIM. TSANGARIS LISTENED, THEN SHOOK HIS HEAD AND WAS HEARD BY KONTEATIS TO SAY, "NO, I WILL NOT LIE ABOUT ANY OF THE FACTS OF THE CASE." A FEW MINUTES LATER, LEFTIS ALSO APPROACHED TSANGARIS AND SPOKE TO HIM. WHEN THE CROSS-EXAMINATION RESUMED KONTEATIS
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NOTED THAT TSANGARIS WAS AMBIVILENT IN HIS ANSWERS AND SEEMED TO BE FAVORING LEFTIS. THE PROSECUTING ATTORNEYS, EVANGELOU AND ANGELIDES, MET WITH PHERSON AT THEIR REQUEST AFTER THE TRIAL PROCEEDINGS ON MAY 12. THE VERIFIED THE KONTEATIS ACCOUNT AND OFFERED THAT TSANGARIS HAD SEEMED TO FAVOR LEFTIS AFTER THEIR DISCUSSION DURING THE RECESS. THEY ALSO TOLD PHERSON THEY BELIEVED IERIDES WAS LYING ABOUT NOT SEEING KTIMATIAS FIRING HIS WEAPON. PHERSON MET WITH CYPOL ASST. COMMANDER DEMETRIOU ON THE MORNING OF MAY 12, RELATED THE INCIDENT ABOUT KTIMATIAS AND LEFTIS TALKING TO TSANGARIS AND OBTAINED DEMETRIOU'S ASSURANCE THAT THERE WOULD BE NO MORE FREEDOM OF DISCUSSION BETWEEN THE DEFENDANTS AND THE PROSECUTION WITNESSES. END COMMENT.

8. CHIEF INSPECTOR A. HAVIARAS TESTIFIED HE HAD HEARD SHOTS DURING THE EMBASSY RIOTS AND REALIZED IMMEDIATELY THAT THEY WERE FROM TEAR GAS CANNISTERS FIRED FROM THE EMBASSY BUILDING. AT THE SAME TIME HE HEARD SOME RIOTERS SAY "THEY ARE FIRING AT US." THE RIOTERS THEN DISPERSED. HE SAW KTIMATIAS, ARMED WITH A KALASHNIKOV OR CZECH-TYPE AUTOMATIC WEAPON, IN AN AIMING POSITION. HE TRIED TO TAKE KTIMATIAS FROM THE AREA BUT KTIMATIAS IGNORED HIM. HE THEN SAW KTIMATIAS ENTER THE BUILDING UNDER CONSTRUCTION. SHORTLY THEREAFTER HE HEARD SHOTS COMING FROM THE REAR OF THE BUILDING UNDER CONSTRUCTION. ON CROSS-EXAMINATION HAVIARAS AGREED THAT HE HAD ONLY SEEN KTIMATIAS ENTER THE STAIRCASE OF THE BUILDING UNDER CONSTRUCTION. END MAY 11 PROCEEDINGS.

9. CYPRIOT PRESS ACCOUNTS ON MAY 11 STRESSED THE IERIDES STATEMENT THAT SHOTS HAD COME FROM THE EMBASSY AND HAD PROBABLY PRECIPITATED RETALIATORY FIRE FROM THE DEMONSTRATORS. THE PROSECUTING ATTORNEYS (EVANGELOU AND ANGELIDES) TOLD PHERSON ON MAY 12 THEY WERE NOT CONCERNED WITH THIS UNEXPECTED DEVELOPMENT. THEY SAID THE WEIGHT OF THE EVIDENCE YET TO BE OFFERED SHOULD EASILY REFUTE THIS STATEMENT BY IERIDES.

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